

HOUSE BILL 680

D3

5lr0855

By: **Delegates Moon, Vallario, Carter, Jalisi, Morales, and Smith**

Introduced and read first time: February 12, 2015

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 15, 2015

CHAPTER _____

1 AN ACT concerning

2 **Evidence – Conviction for Traffic Offense – Admissibility in Civil Proceeding**

3 FOR the purpose of providing that evidence of a conviction for a traffic offense may be
4 admitted as evidence in a civil proceeding to prove certain facts under certain
5 circumstances; requiring the trier of fact to determine the weight to be accorded
6 evidence of a conviction for a traffic offense that is admitted as evidence under this
7 Act; providing for the application of this Act; and generally relating to the
8 admissibility of evidence of a conviction for a traffic offense in a civil proceeding for
9 certain purposes.

10 BY adding to

11 Article – Courts and Judicial Proceedings

12 Section 10–923

13 Annotated Code of Maryland

14 (2013 Replacement Volume and 2014 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

16 That the Laws of Maryland read as follows:

17 **Article – Courts and Judicial Proceedings**

18 **10–923.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, EVIDENCE OF A**
2 **CONVICTION FOR A TRAFFIC OFFENSE MAY BE ADMITTED AS EVIDENCE IN A CIVIL**
3 **PROCEEDING TO PROVE A FACT THAT:**

4 **(1) IS AT ISSUE IN THE CIVIL PROCEEDING; AND**

5 **(2) WAS ESSENTIAL TO SUSTAIN THE CONVICTION FOR THE TRAFFIC**
6 **OFFENSE.**

7 **(B) EVIDENCE OF A CONVICTION FOR A TRAFFIC OFFENSE MAY NOT BE**
8 **ADMITTED BY A COURT UNDER SUBSECTION (A) OF THIS SECTION UNLESS:**

9 **(1) A FINAL JUDGMENT UPHOLDING THE CONVICTION IS ISSUED, IF**
10 **THE DEFENDANT CHALLENGES THE CONVICTION BY:**

11 **(I) FILING AN APPEAL;**

12 **(II) APPLYING FOR LEAVE TO APPEAL; OR**

13 **(III) FILING A NOTICE FOR IN BANC REVIEW UNDER THE**
14 **MARYLAND RULES; OR**

15 **(2) THE TIME PERIOD HAS EXPIRED IN WHICH THE DEFENDANT MAY**
16 **FILE:**

17 **(I) AN APPEAL;**

18 **(II) AN APPLICATION FOR LEAVE TO APPEAL; OR**

19 **(III) A NOTICE FOR IN BANC REVIEW UNDER THE MARYLAND**
20 **RULES.**

21 **(C) IF EVIDENCE OF A CONVICTION FOR A TRAFFIC OFFENSE IS ADMITTED**
22 **AS EVIDENCE IN A CIVIL PROCEEDING IN ACCORDANCE WITH THIS SECTION, THE**
23 **TRIER OF FACT SHALL DETERMINE THE WEIGHT TO BE ACCORDED TO THE EVIDENCE**
24 **OF THE CONVICTION.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
26 apply only prospectively and may not be applied or interpreted to have any effect on or
27 application to any civil action filed before the effective date of this Act.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2015.